



U.S. Department of Justice

Environment and Natural Resources Division

Environmental Defense Section  
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**08 C 320**

January 24, 2007

**VIA U.S. Mail and E-Mail**

Blue Eco Legal Council  
Steven B. Pollack, Esquire  
Executive Director  
P.O. Box 1370  
Highland Park, IL 60035  
steve@ecoessq.com

**JUDGE GUZMAN  
MAGISTRATE JUDGE BROWN**

Re: Notice of Intent to Sue as to Coast Guard Live-Fire Training on the Great Lakes

Dear Mr. Pollack:

This letter responds to your letter dated January 18, 2007, which I have forwarded to the Coast Guard and U.S. EPA as you requested.

We disagree that the Coast Guard or U.S. EPA have violated any applicable legal requirement and reject your settlement demand. Furthermore, we dispute your characterization of our letter dated January 3, 2007, wherein we explained that the Coast Guard has withdrawn its proposed rule regarding live-fire training exercises on the Great Lakes, is not presently conducting any live-training exercises there, and will not conduct any non-emergency live-fire training exercises unless and until it publishes a final rule. Therefore, as a matter of law, it would be premature for you to bring a lawsuit at this time. Should you do so, we will move to dismiss it.

If you nevertheless file a complaint, we would appreciate receiving a courtesy copy by e-mail (david.gualtieri@usdoj.gov) and/or U.S. Mail directly to me at the above address. This request does *not* waive the service requirements under the Federal Rules of Civil Procedure.

Sincerely,

David Gualtieri

John Irving

Attorneys, Environment and Natural Resources  
Division

cc: P. Atelsek, USCG HQ (via e-mail)  
K. Wendelowski, EPA OGC (via e-mail)